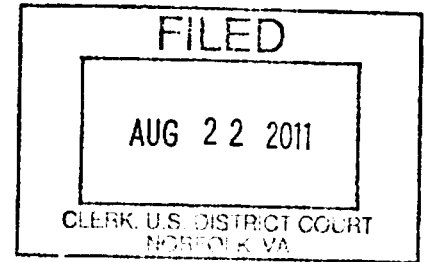


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division



SCHOOL BOARD OF THE  
CITY OF NEWPORT NEWS,

Plaintiff,

v.

ACTION NO. 4:11cv79

T.R. DRISCOLL, INC.,

Defendant,

AND

GENERAL CASUALTY  
INSURANCE COMPANY,

Movant.

ORDER

This matter comes before the court on the Motion to Intervene (ECF #12) and Motion to Enjoin Destructive Testing and to Briefly Continue Trial in This Matter (ECF #14), filed by the movant on July 12, 2011. The matter was referred to a United States Magistrate Judge by Order of July 15, 2011, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motions.

The United States Magistrate Judge's Report and Recommendation (ECF #29) was filed on July 29, 2011. The magistrate judge recommended granting in part and denying in part movant's motions

and recommended trial in this matter, as well as other deadlines established by the Rule 16(b) Scheduling Order, be continued for approximately two months.

By copy of the report and recommendation of the magistrate judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the magistrate judge's report and recommendation, and the time for filing same has expired. The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed July 29, 2011. Accordingly, the movant's Motion to Intervene (ECF #12) is **GRANTED** for the limited purpose of filing and arguing the Motion for Continuance; the movant's Motion to Briefly Continue Trial in This Matter (ECF #14) is **GRANTED** and the trial date and other deadlines established in the Rule 16(b) Scheduling Order shall be **CONTINUED** for approximately two (2) months; and, the movant's Motion to Enjoin Destructive Testing (also ECF #14) is **DENIED** as **MOOT**.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

Norfolk, Virginia

August 22, 2011

/s/ [Signature]  
Rebecca Beach Smith  
United States District Judge